

## ENVIRONMENTAL LAND USAGE RESTRICTION

This Declaration of Environmental Land Usage Restriction ("Restriction") is made on this 30<sup>th</sup> day of July, 2002 by Herff Jones, Inc., a corporation qualified in Rhode Island, and its successors and/or assigns (the "Grantor").

## WITNESSETH:

WHEREAS, the Grantor is the owner in fee simple of certain real property Plat 289; Lots 372, 422, 474, and 525; Assessor's Plat 290; Lots 97, 99, 101, 103, 223, 229, 241, 245, 269-272, 275-277, 279-281, 283, 284, 300, 303, 304, 306, 360, 361, 362, 368, 370, Vine Avenue, Warwick, Rhode Island (the "Property"), more particularly described in Exhibit A (Legal Description) attached hereto and made a part hereof;

WHEREAS, the Property has been determined to be a **Contaminated Site** and contain soil which is contaminated with certain hazardous substances in excess of applicable **residential and industrial/commercial** direct exposure criteria pursuant to the Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases ("Remediation Regulations");

WHEREAS, the Grantor has determined that the environmental land use restrictions set forth below are consistent with the regulations adopted by the Rhode Island Department of Environmental Management ("Department") pursuant to R.I.G.L. § 23-19.1-14;

WHEREAS, the Department's written approval of this Restriction is contained in the document entitled: **Remedial Approval Letter** issued pursuant to the Remediation Regulations; and

WHEREAS, the **Property** (or portion thereof identified in the Class I survey which is attached hereto as Exhibit B and is made a part hereof) has been determined to contain hazardous substances; and

WHEREAS, to prevent exposure to or migration of hazardous substances and to abate hazards to human health and/or the environment, and in accordance with the **Settlement Agreement**, the Grantor desires to impose certain restrictions upon the use, occupancy, and activities of and at the **Contaminated Site**;

WHEREAS, the Grantor believes that this Restriction will effectively protect public health and the environment from such contamination; and

WHEREAS, the Grantor intends that such restrictions shall run with the land and be binding upon and enforceable against the Grantor.

NOW, THEREFORE, Grantor agrees as follows:

**A. Restrictions Applicable to the Property:** In accordance with the Remedial Decision Letter, the Grantor shall assure that the use, occupancy and activity of and at the Property are restricted as follows:

- i. No residential use of the Property is permitted;
- ii. No groundwater at the Property is used as potable water;
- iii. Soil at the Property shall not be disturbed in any manner without written permission of the Department's Office of Waste Management, except as permitted in the Remedial Action Work Plan (RAWP) and the SMP which has been approved by the Department;
- iv. Upon completion of the activities described in the RAWP, the engineered controls described in Exhibits B and C attached hereto are not disturbed and are properly maintained to prevent humans engaged in industrial/commercial activity from being exposed to soils at the Property containing hazardous substances in concentrations exceeding the applicable Department-approved industrial/commercial direct exposure criteria pursuant to the Remediation Regulations, and/or that water does not infiltrate soils at the Property containing hazardous substances in concentrations exceeding the applicable Department approved leachability criteria pursuant to the Remediation Regulations.

**B. No action shall be taken, allowed suffered, or omitted if such action or omission is reasonably likely to:**

- i. Create a risk of migration of hazardous substances or potential hazard to human health or the environment; or
- ii. Result in a disturbance of the structural integrity of any engineering controls designed or utilized at the Property to contain hazardous substances or limit human exposure to hazardous substances, except as permitted in the Department-approved RAWP and SMP.

**C. Emergencies:** In the event of any emergency which presents a significant risk to human health or to the environment, including but not limited to maintenance and repair of utility lines or a response to emergencies such as fire or flood, the application of Paragraphs A (iii.-vii.) and B above may be suspended, provided such risk cannot be abated without suspending such Paragraphs and the Grantor complies with the following:

- i. Notifies in writing the Department's Office of Waste Management of the emergency as soon as possible but no more than three (3) business days after having learned of the emergency. (This does not remove Grantor's obligation to notify any other necessary state, local or federal agencies.);
- ii. Limits both the extent and duration of the suspension to the minimum period reasonable and necessary to adequately respond to the emergency;
- iii. Implements reasonable measures necessary, at that time, to prevent actual, potential, present and future risk to human health and the environment resulting from such suspension;
- iv. Communicates at the time of written notification to the Department his or her intentions to conduct the emergency response actions and provides a schedule to complete the emergency response actions;
- v. Continues to implement the emergency response actions, on the schedule submitted to the Department, to ensure that the **Property** is remediated in accordance with the Remediation Regulations (and/or applicable variance) or restored to its condition prior to such emergency. Based upon information available to the Department at the time of execution pertaining to environmental conditions at the **Property**, maintenance and repair of utility lines shall only require restoration of the **Property** to its condition prior to the maintenance and repair of the utility lines.
- vi. Submits to the Department, at the completion of the emergency response action, a status report describing the emergency activities that have been completed.

**D. Release of Restriction; Alterations of Subject Area:** The Grantor shall not make, or allow or suffer to be made, any alteration of any kind in, to, or about any portion of the **Property** inconsistent with this Restriction unless the Grantor has first received the Department's written approval of such alteration. If the Department determines that the proposed alteration is significant, it may require the amendment of this Restriction. Insignificant alterations will be approved by the Department via a letter from the Department. The Department shall not approve any such alteration and shall not release the **Property** from the provisions of this Restriction unless the Grantor demonstrates to the Department's satisfaction that Grantor has managed the **Property** in accordance with applicable regulations.

**E. Notice of Lessees and Other Holders of Interests in the Property:** The Grantor, or any future holder of any interest in the **Property**, shall cause any lease, grant, or other transfer of any interest in the **Property** to include a provision expressly requiring the lessee, grantee, or transferee to comply with this Restriction. The failure to include such provision shall not affect the validity or applicability to the **Property** of this Restriction.

- F. Severability and Termination:** If any court of competent jurisdiction determines that any provision of this Restriction is invalid or unenforceable, the Grantor shall notify the Department in writing within fourteen (14) days of such determination.
- G. Binding Effect:** All of the terms, covenants, and conditions of this Restriction shall run with the land and shall be binding on the Grantor and each owner and any other party entitled to possession or use of the **Property** during such period of ownership or possession.
- H. Inspection & Non-Compliance:** It is the obligation of the Grantor, or any future holder of any interest in the **Property**, to provide for annual, independent inspections of the **Property** for compliance with the ELUR.

An officer or director of the company with direct knowledge of past and present conditions of the **Property** (the "Company Representative"), or a qualified environmental professional will, on behalf of the Grantor or future holder of any interest in the **Property**, evaluate the compliance status of the **Property** on an annual basis. Upon completion of the evaluation, the **Company Representative** or environmental professional will prepare and simultaneously submit to the Department and to the Grantor or future holder of any interest in the **Property** an evaluation report detailing the findings of the inspection and noting any compliance violations at the **Property**. If the **Property** is determined to be out of compliance with the terms of the ELUR, the Grantor or future holder of any interest in the **Property** will submit a corrective action plan in writing to the Department within ten (10) days of receipt of the evaluation report, indicating the plans to bring the **Property** into compliance with the ELUR, including, at a minimum, a schedule for implementation of the plan.

In the event of any violation of the terms of this Restriction which remains uncured more than ninety (90) days after written notice of violation, all approvals and agreements relating to the **Property** shall be null and void at the option of the Department.

- I. Terms Used Herein:** The definitions of terms used herein shall be the same as the definitions contained in Section 3 (DEFINITIONS) of the Remediation Regulations.

It is so agreed:

Herff Jones, Inc.

By: \_\_\_\_\_

Grantor

Date: \_\_\_\_\_

7/30/02

So Sworn Before Me:

John J. Correy  
Notary Public John J. GARRAH

Date: 7/30/02

My Commission Expires: 6/30/05

Date: \_\_\_\_\_

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## Exhibit A – Legal Description

EXHIBIT AI

That parcel of land with all buildings and improvements thereon situated in the City of Warwick and State of Rhode Island shown as Parcel A on that plan entitled "Land of Ciba Specialty Chemicals Corp. To Be Conveyed to Herff Jones, Warwick, Rhode Island. Issued for Administrative Subdivision" Dated August 28, 2002 Prepared by Vanasse Hangen Brustlin, Inc. 530 Broadway Providence, Rhode Island and recorded prior hereto bounded and described as follows:

Beginning at a point in the northerly line of Woburn Avenue, said point being 248.80' westerly from the westerly line of Warwick Avenue, said point also being the southeasterly corner of lot 64 as shown on the "Pawtuxet River Plat".

Thence; S81°42'14"W along the northerly line of Woburn Avenue a distance of four hundred five and 42/100 (405.42') feet to an angle point.

Thence; S71°23'05"W continuing along the northerly line of Woburn Avenue a distance of twenty nine and 22/100 (29.22') feet to the easterly boundary of the "Battey Farm" plat.

Thence; S31°20'46"E along the line of "Battey Farm" plat a distance of fourteen and 22/100 (14.22') feet to a point.

Thence; S20°18'46"E along the line of "Battey Farm" plat a distance of thirty six and 14/100 (36.14') feet to a point in the southerly line of Woburn Avenue.

Thence; N71°23'05"E along the southerly line of Woburn Avenue a distance of twenty and 50/100 (20.50') feet to an angle point.

Thence; N81°42'14"E continuing along the southerly line of Woburn Avenue a distance of three hundred eighty four and 71/100 (384.71') feet to the northeasterly corner of lot 34 as shown on the "Pawtuxet River Plat".

Thence; S08°17'46"E along the easterly line of lots 34 and 35 as shown on the "Pawtuxet River Plat" and bounded easterly by land now or formerly of Joseph O. Salvadore a distance of two hundred and 00/100 (200.00') feet to a point in the northerly line of Vine Avenue and the southeast corner of said lot 35.

Thence; S81°42'14"W along the northerly line of Vine Avenue a distance of three hundred sixty three and 08/100 (363.08') feet to the easterly boundary of the "Battey Farm" plat.

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Thence; S20°18'46"E along the easterly boundary of the "Battey Farm" plat a distance of fifty one and 12/100 (51.12') feet to a point in the southerly line of Vine Avenue.

Thence; N81°42'14"E along the southerly line of Vine Avenue a distance of one hundred seventy three and 29/100 (173.29') feet to the northeasterly corner of lot 16 as shown on the "Pawtuxet River Plat".

Thence; S08°17'46"E along the easterly line of said lot 16 bounded easterly by land now or formerly of WP Properties LLC a distance of one hundred and 03/100 (100.03') feet to the southeasterly corner of said lot 16 and a point in the northerly boundary of the "Silver Hook Terrace" plat.

Thence; S81°42'14"W along the northerly boundary of the "Silver Hook Terrace" plat bounded southerly by land of WP Properties LLC a distance of fifty one and 30/100 (51.30') feet to the northwest corner of lot 1 as shown on the "Silver Hook Terrace" plat.

Thence; S15°02'21"E partly along the easterly line of lots 1 through 17 and partly along a portion of Howe Street (abandoned June 13, 1967) as shown on the "Silver Hook Terrace" plat bounded easterly by land now or formerly of WP Properties LLC a distance of three hundred ninety six and 12/100 (396.12') feet to a point in the northerly boundary of the "New Bridge Plat".

Thence; S89°14'53"E along the northerly boundary of the "New Bridge Plat" bounded northerly by land now or formerly of WP Properties LLC a distance of forty one and 57/100 (41.57') feet.

Thence; N15°02'21"W partly along the westerly boundary of lots 18, and 48 through 53 and partly along a portion of Trumbull Avenue (abandoned September 13, 1966) as shown on the "Silver Hook Terrace" plat bounded westerly by land now or formerly of WP Properties LLC a distance of two hundred sixty one and 73/100 (261.73') feet to a point in the southerly line of Sachem Avenue.

Thence; N81°42'14"E along the southerly line of Sachem Avenue a distance of two hundred nineteen and 83/100 (219.83') feet to land now or formerly of ACME Development Company.

Thence; S02°44'48"E bounded easterly by land now or formerly of ACME Development Company a distance of three hundred thirty five and 91/100 (335.91') feet to a point in the northerly line of Laura Street.

Thence; S87°15'12"W along the northerly line of Laura Street a distance of five hundred sixty and 14/100 (560.14') feet to the southwesterly corner of lot 1049 as shown on the "Dryden Heights" plat.

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Thence; Bounded easterly partly by lots 1059, 1060, 1066, 1067 and 1069 as shown on the "Dryden Heights" plat and partly by Laura, Arthur and Prince Streets along a curve to the left having a radius of 1463.01', a tangent length of 293.62', a central angle of 22°41'46" and a chord length of 575.75' bearing S24°39'24"E, an arc distance of five hundred seventy nine and 53/100 (579.53') feet.

Thence; S13°18'31"E bounded easterly by lots 1069 and 1070 a distance of one hundred eighty nine and 04/100 (189.04') feet to the northerly line of Dryden Boulevard.

Thence; S87°15'12"W along the northerly line of Dryden Boulevard a distance of fifty and 86/100 (50.86') feet to the easterly line of Irving Road.

Thence; N13°18'31"W along the easterly line of Irving Road a distance of one hundred seventy nine and 71/100 (179.71') feet.

Thence; Continuing along the easterly line of Irving Road along a curve having a radius of 1413.01', a tangent length of 422.00', a central angle of 33°15'24" and a chord length of 808.70' bearing N29°56'13"W, an arc distance of eight hundred twenty and 17/100 (820.17') feet.

Thence; N46°33'55"W continuing along the easterly line of Irving Road a distance of two hundred thirty one and 53/100 (231.53') feet.

Thence; Continuing along the easterly and northerly line of Irving Road as conveyed in deed book 323 page 539 along a curve to the left having a radius of 525.00', a tangent length of 264.24', a central angle of 53°25'59", and a chord length of 472.06' bearing S75°11'39"W and arc distance of four hundred eighty nine and 61/100 (489.61') feet.

Thence; S43°26'05"W continuing along the northerly line of Irving Road a distance of one hundred one and 80/100 (101.80') feet to the northeasterly line of Milton Road and the southwesterly corner of lot 711 as shown on the "Dryden Heights" plat.

Thence; N46°33'55"W along the northeasterly line of Milton Road a distance of eighty and 00/100 (80.00') feet to the northwesterly corner of lot 708 as shown on the "Dryden Heights" plat.

Thence; S43°26'05"W partly along a portion of Milton Road and partly along land now or formerly of Martin & Linda Kampitch a distance of one hundred thirty and 00/100 (130.00') feet to the southwesterly corner of lot 796 as shown on the "Dryden Heights" plat.

Thence; N46°33'55"W bounded westerly by land now or formerly of the City of Warwick a distance of one hundred nine and 37/100 (109.37') feet to a point in the centerline of River Drive (formerly Rathburn Avenue) abandoned November 16, 1961.

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Thence; N29°56'21"E along the centerline of the abandoned River Drive a distance of three hundred eighty eight and 36/100 (388.36') feet to an angle point.

Thence; N43°26'05"E continuing along the centerline of the abandoned River Drive a distance of two hundred thirty five and 54/100 (235.54') feet to a point in the centerline of Irving Road abandoned November 16, 1961.

Thence; N47°18'22"W along the centerline of the abandoned Irving Road a distance of approximately forty (40±) feet to the Pawtuxet River.

Thence; Easterly along the Pawtuxet River a distance of approximately thirteen hundred ten (1310±') feet to the northeast corner of lot 64 as shown on the "Pawtuxet River Plat".

Thence; S08°17'46"E bounded easterly by land now or formerly of Lavinia Barnett a distance of approximately one hundred seventy seven (177±) feet to the point of beginning.

The above-described parcel contains 1,010,119 square feet or 23.18914 acres more or less.

## II

All right, title and interest in and to those portions of Vine Avenue and Woburn Avenue conditionally abandoned as approved by the Warwick City Council by Resolution No. 0-01-24 December 17, 2001 and containing an additional 29,472 square feet or 0.67659 acres more or less.

## III

That parcel of land with all buildings and improvements thereon, situated on the northerly side of Sachem Avenue in the City of Warwick in the State of Rhode Island, comprising Lots Nos. 72 (seventy-two), 73 (seventy-three) and the westerly ten (10) feet in width by the entire depth of Lot No. 74 (seventy-four) on that plat entitled, "Silver Hook Terrace Surveyed and drawn by J.E. Judson, Eng'r November, 1902" and recorded with the Records of Land Evidence Records in said City of Warwick in Plat Book 4 at page 42, and (copy) on Plat Card No. 170.

Ref. only: A.P. 290, Lot 360

## IV

That parcel of land with the buildings and improvements thereon, situated on the northerly side of Sachem Avenue in the City of Warwick and State of Rhode Island, comprising Lots Nos.

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75 (seventy-five) and 76 (seventy-six) together with the easterly ten (10) feet in width by the entire depth of Lot No. 74 (seventy-four) on that plat entitled "Silver Hook Terrace Surveyed and drawn by J.E. Judson, Eng'r November 1902" and recorded with the Records of Land Evidence in said City of Warwick in Plat Book 4 at page 42, and (copy) on Plat Card No. 170.

Said parcel bounds southerly on Sachem Avenue fifty (50) feet and extends northerly one hundred (100) feet to and bounds northerly on land now or formerly of David Lawrence and wife in part, and in part on land now or formerly of Irving G. Ray et als, bounding easterly on land now or formerly of Mary A. Goodwin et al and westerly on land now or formerly of Edward J. Pendergast and wife.

Ref. only: A.P. 290, Lot 362

## V

Those two parcels of land, with all buildings and improvements thereon, situated in the City of Warwick in the State of Rhode Island, bounded and described as follows:

Those five (5) lots of land, laid out and delineated as lots Nos. 77 (seventy-seven), 78 (seventy-eight), 79 (seventy-nine), 80 (eighty) and 81 (eighty-one) on the aforementioned plat. Said five lots together form one parcel bounding southerly on Sachem Avenue on hundred (100) feet, westerly on land now or formerly of Geigy Chemical Corporation one hundred (100) feet, northerly on land now or formerly of Irving G. Ray and wife one hundred (100) feet and easterly on land now or formerly of Harold P. Gill, Jr. and wife, in part, and in part on land now or formerly of Mario N. Leone and wife one hundred (100) feet.

Ref. only A.P. 290, Lot 361 and 223

## VI

Those five lots of land, with any buildings and improvements thereon, situated in the City of Warwick in the State of Rhode Island, laid out and delineated as lots Nos. 57 (fifty-seven), 58 (fifty-eight), 59 (fifty-nine) & 60 (sixty) on that plat entitled, "New Bridge Plat of Land belonging to Thomas Eels, Alfred A. Ball, Patrick F. Hanley, Wm. Quinton, Charles Halstead situated in Pawtuxet, R.I. Surveyed and Platted 1873 E.A. Chase" and recorded in the Records of Land Evidence Records in said City of Warwick in Plat Book 1 at page 46 and (copy) on Plat Card No. 30.

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Ref. only A.P. 290, Lots 101, 103, 97 and 99

## VII

That lot of land, with the buildings and improvements thereon, situated on the southerly side of Vine Avenue and at the northeasterly corner of land now or lately of Edwin P. Goodwin and wife; thence easterly bounding northerly on said Vine Avenue fifty-five (55) feet, more or less, to land now or lately of Irving G. Rays, et als; thence southerly bounding easterly on the last named land one hundred (100) feet to land now or lately of Freda E. Clauson; thence westerly bounding southerly in part on the last named land and in part on land now or lately of Edward J. Pendergast and wife fifty-five (55) feet, more or less, to land now or lately of Edwin P. Goodwin and wife ; and thence northerly bounding westerly on the last named land one hundred (100) feet to the place of beginning.

Said lot comprises the whole of Lot No. 12 (twelve) and the westerly ten (10) feet in width by the whole depth of Lot No. 11 (eleven) on that plat entitled, "The Pawtuxet River Plat in Warwick belonging to Mariana Field Surveyed and Platted by S. B. Cushing & Co. April 1873", which plat is recorded with the Records of Land Evidence in said City of Warwick in Plat Book 1 at page 47 and (copy) on Plat Card 36.

Ref. only A.P. 290, Lot 245

## VIII

Those four lots of land, with all the buildings and improvements thereon, situated on the southwesterly side of Holmes Road in City of Warwick in the State of Rhode Island, laid out and delineated as Lots Nos. 686 (six hundred eighty-six), 687 (six hundred eighty-seven), 688 (six hundred eighty-eight) and 689 (six hundred eighty-nine) on that plat entitled, "Dryden Heights Warwick, R.I., May 1911 F.T. Westcott, Eng'r. "recorded in the Records of Land Evidence in said City of Warwick in Plat Book 5 at page 11 and (copy) on Plat Card No. 214.

Said lots together form a parcel bounding northeasterly on Holmes Road eighty (80) feet and extending southwesterly one hundred (100) feet to and bounding southwesterly on land now or formerly of Edna E. Nelson in part and in part on land now or formerly of Robert Gustafson, bounding northwesterly on land now or formerly Robert Gustafson and southeasterly on land now or formerly of Edna E. Nelson  
Excepting those portions of the above lots conveyed to the City of Warwick in Deed Book 323 Page 539 and those portions of lots 688 & 689 lying within Parcel I above.

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Ref. only A.P. 289, Lot 422

IX

That tract of land with all buildings and improvements thereon, situated on the northeasterly side of Holmes Road in the City of Warwick, in the State of Rhode Island, bounded and described as follows:

Beginning at the westerly corner of said tract at a corner of said Holmes Road and at the southerly corner of land now or formerly of Reginald F. Fonseca and wife, said point being three hundred forty (340) feet southeasterly from the southeasterly line of Rathbun Avenue as measured along the northeasterly line of said Holmes Road; thence northeasterly bounding northwesterly on said Fonseca land one hundred ten (110) feet to land now or formerly of Thomas W. Allard, Jr., et al; thence southeasterly bounding northeasterly on the last named land sixty (60) feet to land now or formerly of Clarence E. Davis and wife; thence southwesterly bounding southeasterly on the last named land thirty (30) feet to a corner; thence southeasterly bounding northeasterly on said last named land sixty (60) feet to land now or formerly of William J. Corbett and wife; thence southwesterly bounding southeasterly on the last named land eighty (80) feet to said Holmes Road; and thence northwesterly bounding southwesterly on said Holmes Road one hundred twenty (120) feet to the place of beginning.

Said tract comprises the whole of Lots No. 609 (six hundred nine), 610 (six hundred ten) and 611 (six hundred eleven) and the southwesterly eighty (80) feet in depth by the whole width of Lots Nos. 612 (six hundred twelve), 613 (six hundred thirteen) and 614 (six hundred fourteen) upon that plat entitled, "DRYDEN HEIGHTS, Warwick, R.I. May, 1911 F.T. Westcott Eng'r." recorded with the Records of Land Evidence in said City of Warwick in Plat Book 5 at page 16 and (copy) on Plat Card 214.

Excepting those portions of the above lots conveyed to the City of Warwick in Deed Book 323 Page 539 and that part of lot 609 lying within parcel I above.

Ref. only A.P. 289, Lot 474

X

That parcel of land with the buildings and improvements thereon, situated on the southwesterly side of Irving Road in the City of Warwick in the State of Rhode Island,

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comprising lots Nos. 568 (five hundred sixty-eight), 569 (five hundred sixty-nine), 570 (five hundred seventy) and 571 (five hundred seventy-one), together with the northeasterly thirty (30) feet in depth by the entire width of lots Nos. 612 (six hundred twelve), 613 (six hundred thirteen), 614 (six hundred fourteen) and 615 (six hundred fifteen) on that plat entitled "Dryden Heights Warwick, R.I. May 1911" recorded in the Records of Land Evidence in said Warwick in Plat Book 5 at page 16 and (copy) on Plat Card 214.

Excepting those portion of the above lots conveyed to the City of Warwick in Deed Book 323 Page 539 and those parts of lots 569, 570 & 571 lying within parcel I above.

Said parcel bounds northeasterly on Irving Road eighty (80) feet and holding that width extends southwesterly one hundred thirty-three and 10/100 (133.17) feet to and bounds southwesterly on land now or formerly of William J. Corbett and wife in part and in part on land now or formerly of Geigy Chemical Corporation, bounding northwesterly in part on land now or formerly of Thomas W. Allard, Jr., et al and in part on land now or formerly of Geigy Chemical Corporation, and southeasterly on land now or formerly of William J. Corbett and wife.

Also that parcel of land with the building and improvements thereon situated on the northeasterly side of Holmes Road and the southwesterly side of Irving Road in the City of Warwick in the State of Rhode Island, comprising lot Nos. 566 (five hundred sixty-six), 567 (five hundred sixty-seven), 616 (six hundred sixteen) and 617 (six hundred seventeen) on that plat entitled "Dryden Heights Warwick, R.I. May 1911" recorded in the Records of Land Evidence in said Warwick in Plat Book 5 at page 16 and (copy) on Plat Card 214.

Said parcel is bounded and described as follows:

Beginning at a point in the northeasterly line of Holmes Road at the most westerly corner of said parcel and at the southerly corner of land now or lately of Geigy Chemical Corporation; thence northeasterly bounding northwesterly on the last mentioned land eighty (80) feet to land now or lately of Clarence E. Davis and wife; thence southeasterly bounding northeasterly on the last mentioned land twenty (20) feet to a corner; thence northeasterly bounding northwesterly on the last mentioned land one hundred thirty-three and 17/100 (133.17) feet to Irving Road; thence southeasterly bounding northeasterly on said Irving Road forty (40) feet to land now or lately of Alfred Gelfuso and wife; thence southwesterly bounding southeasterly on the last mentioned land two hundred thirteen and 17/100 (213.17) feet to Holmes Road; thence northwesterly bounding southwesterly on Holmes Road sixty (60) feet to the point and place of beginning.

Ref. only A.P. 289, Lot 525

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Excepting and excluding from the above described premises that certain parcel of land with the buildings and improvements thereon, if any, comprising the southwesterly eighty (80) feet in depth by the entire width of lot No. 615 (six hundred fifteen) on that plat entitled "Dryden Heights Warwick, R.I. May, 1911" recorded in the Records of Land Evidence in said Warwick in Plat Book 5 at Page 16 and (copy) on Plat Card 214.

#### Parcel XI

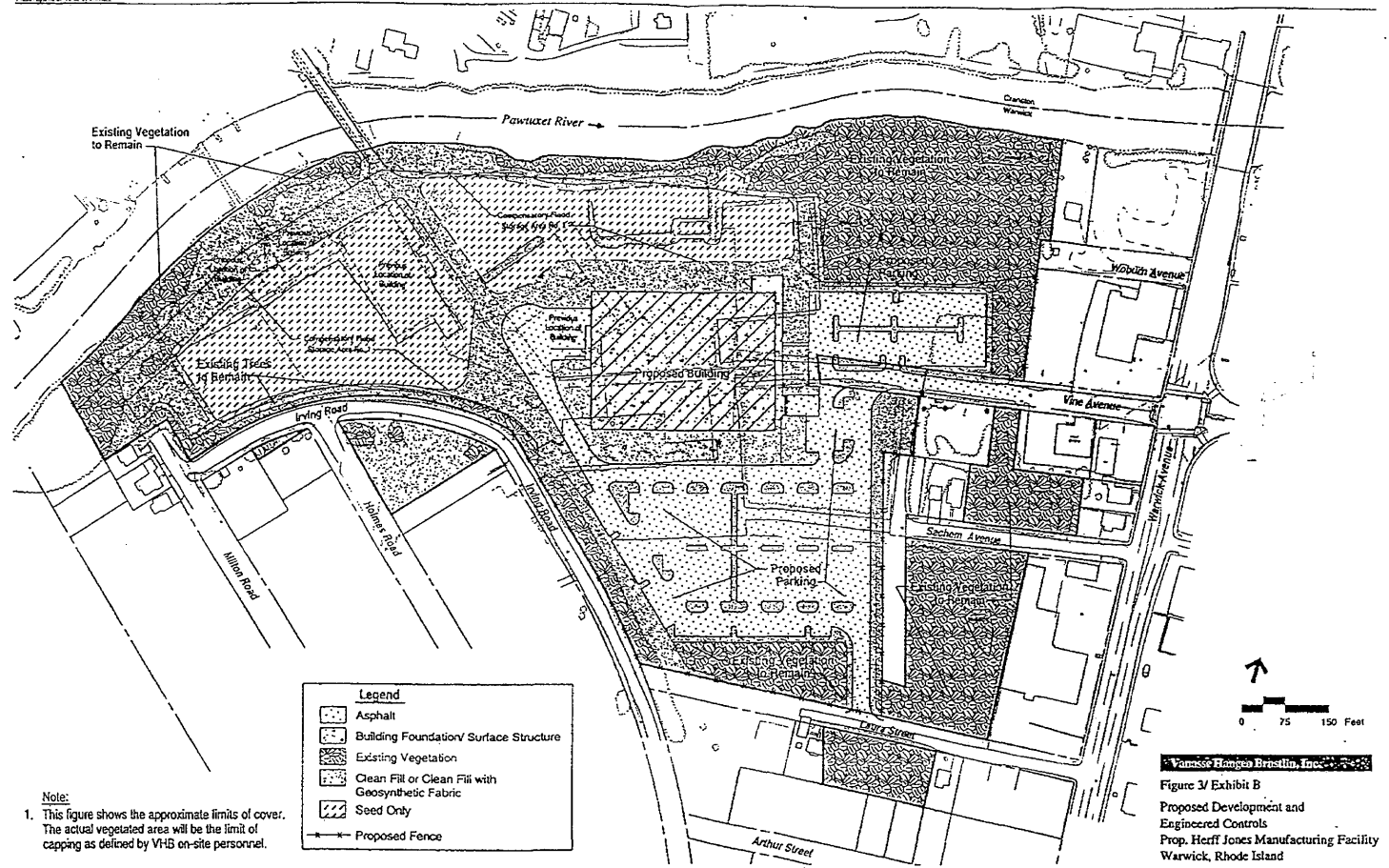
That certain lot or parcel of land, with any and all buildings and improvements thereon, situated in the City of Warwick, County of Kent and State of Rhode Island lying between the centerline of that certain portion of River Drive abandoned by Order No. 0-61-118 of the Warwick City Council dated November 16, 1961 and the Pawtuxet River, and shown as "Riverfront Parcel Owners Unknown 29, 158± square feet 0.66937± Acres" on that certain plan entitled "Land of Ciba Specialty Chemicals Corp. To Be Conveyed to Herff Jones, Warwick, Rhode Island. Issued for Administrative Subdivision" Dated August 28, 2002 Prepared by Vanasse Hangen Brustlin, Inc. 530 Broadway Providence, Rhode Island and recorded prior hereto.

#### Parcel XII

That certain parcel of land with the buildings and improvements thereon, if any, comprising the southwesterly eighty (80) feet in depth by the entire width of lot No. 615 (six hundred fifteen) on that plat entitled "Dryden Heights Warwick, R.I. May, 1911" recorded in the Records of Land Evidence in said Warwick in Plat Book 5 at Page 16 and (copy) on Plat Card 214.

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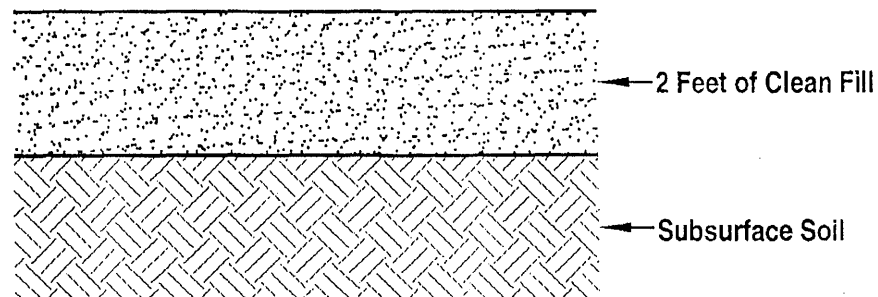
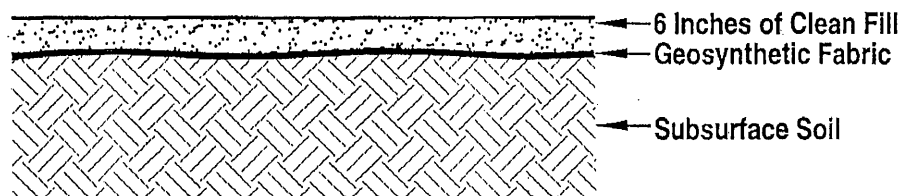
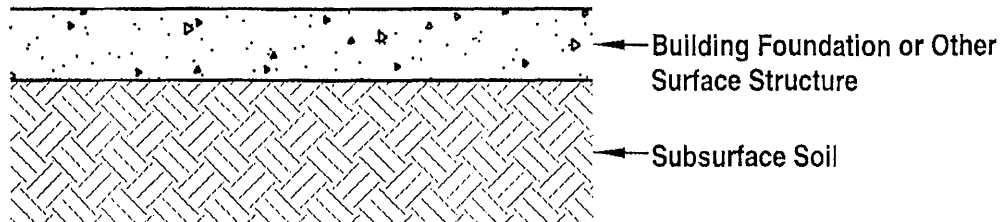
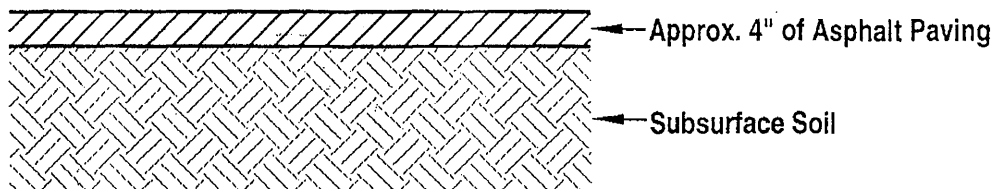
Exhibit B – Site Plan



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Exhibit C – Engineered Controls

24426 Bk: 4165 Ps: 242



Vanasse Hangen Brustlin, Inc.

Exhibit C  
Engineered Control  
Vine Avenue and Laura Street  
Warwick, Rhode Island

Recorded  
09/04/2002 11:05:59AM  
Marie T. Bennett, City Clerk  
City of Warwick, RI  
Rec Fee: 28.00  
Hist Fee: 1.00 Loc Fee: 1.00